

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HENRY CATO, JR., #2214123,

Plaintiff,

v.

OLAYINKA PEDRO, et al.,

Defendants.

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Case No. 6:23-cv-448-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Henry Cato, Jr., an inmate of the Texas Department of Criminal Justice, filed this lawsuit against Defendants pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action.

Proceeding through appointed counsel, Plaintiff moved for dismissal of this lawsuit with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, without opposition from the sole remaining Defendant, Olayinka Pedro. Docket No. 49. In response to the Court's Order for additional briefing on the issue of whether any potential harm necessitated dismissal with prejudice, Docket No. 50, the parties have now filed a joint motion to forego that briefing and dismiss this case without prejudice, Docket No. 52.

On June 24, 2025, Judge Love issued a Report recommending that the parties' joint motion be granted and this case be dismissed without prejudice. Docket No. 53. Neither party filed objections.

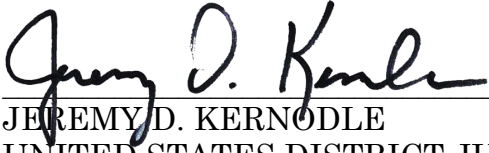
This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no party objected. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 53) as the findings of this Court. It is therefore **ORDERED** that the parties' joint motion to dismiss (Docket No. 52) is **GRANTED**, and all remaining claims against Defendant Cato are **DISMISSED**

without prejudice. Pursuant to the Court's previous orders, the dismissal of all other claims in this lawsuit are with prejudice. *See* Docket Nos. 22; 38.

So **ORDERED** and **SIGNED** this **16th** day of **July, 2025**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE